

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS DEWEY TAYLOR, Jr.

Defendant.

DOCKET NO. 1:23-cr-14

**UNOPPOSED MOTION TO
CONTINUE TRIAL DATE
AND TO EXTEND PRETRIAL
MOTIONS DEADLINE**

Defendant, Thomas Taylor, Jr., by and through undersigned counsel, moves this Honorable Court to continue his trial date to the next available Asheville trial calendar and to extend his pretrial motions deadline, currently set for today, April 14, 2023, for an additional period of time to May 12, 2023. In support of this motion, Mr. Taylor states:

1. Mr. Taylor made his Initial Appearance on the above captioned indictment on March 1, 2023 and requested that counsel be appointed to represent him. The Federal Public Defender for the Western District of North Carolina was appointed to represent him and undersigned counsel was assigned to his case. On that same date, an arraignment Hearing was held and Mr. Taylor waived his detention hearing. At the conclusion of these hearings, Mr. Taylor was detained. His case was scheduled for trial for the March 6, 2023 docket call. Because it was less than 30 days between Mr. Taylor's arraignment and his trial date, his case was continued to the current May 1, 2023 docket call pursuant to 18 U.S.C. § 3161(c)(2). Mr. Taylor previously requested to continue his pretrial motions deadline to today, April 14, 2023. This is Mr. Taylor's first request written request to continue his trial date.

2. Multiple productions of discovery have been made available to counsel for Mr. Taylor. Mr. Taylor's charges emanate from a lengthy state investigation beginning in 2021. Accordingly, counsel needs additional time to review discovery, to further investigate Mr. Taylor's matter, and to research and prepare pretrial motions if necessary. Counsel for Mr. Taylor is also in need of additional time to continue discussions with the government and to consult with Mr. Taylor concerning the available courses of action in his case. Mr. Taylor requests that his pretrial motions deadline be continued to May 12, 2023.

3. Because these continuances are necessary to review discovery, conduct further investigation, to continue consulting with Mr. Taylor, and to continue discussions with the government, failure to grant these continuances would deny counsel for Mr. Taylor the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

4. "At any time before trial, the court may extend or reset the deadline for pretrial motions." Fed. R. Crim. P. 12(c)(2). The "pretrial motions deadline requirement embodied in Rule 12 serves 'an important social policy and not a narrow, finicky procedural requirement[.]'" *United States v. Salahuddin*, 509 F.3d 858, 862 (7th Cir. 2007) (quoting *Jones v. United States*, 362 U.S. 257, 264 (1960), overruled on other grounds, *United States v. Salvucci*, 448 U.S. 83, 95 (1980)). Mr. Taylor is requesting a continuance of his trial date and the goals of Rule 12 would not be jeopardized by extending the pretrial motions filing deadline in this case.

5. Undersigned counsel has contacted Assistant United States Attorney Alex Scott and he does not oppose this motion to continue his trial date and pretrial motions deadline.

WHEREFORE, Mr. Taylor respectfully requests this Honorable Court continue his trial date to the next available Asheville trial calendar and to continue his pretrial motions deadline for an additional period of time to Friday, May 12, 2023.

Dated: April 14, 2023

Respectfully Submitted,

s/**Mary Ellen Coleman**

Mary Ellen Coleman

NC Bar 45313

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